UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/52/876
S/1998/346
27 April 1998
ENGLISH
ORIGINAL: RUSSIAN

GENERAL ASSEMBLY
Fifty-second session
Agenda items 40, 61, 71 and 76
COOPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE
QUESTION OF CYPRUS
GENERAL AND COMPLETE DISARMAMENT
STRENGTHENING OF SECURITY AND COOPERATION IN THE MEDITERRANEAN REGION

SECURITY COUNCIL
Fifty-third year

Letter dated 24 April 1998 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to enclose the text of the proposal by the Russian Federation on the demilitarization of the Republic of Cyprus and the maintenance of the security of its inhabitants.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly at its fifty-second session, under agenda items 40, 61, 71 and 76, and of the Security Council.

(Signed) S. LAVROV

98-11434 (E) 280498 280498

/...

ANNEX

Demilitarization of the Republic of Cyprus and maintenance of the security of its inhabitants

Proposal submitted by the Russian Federation

The demilitarization of the Republic of Cyprus is a universally acknowledged key element in a comprehensive settlement of the Cyprus problem.

The purpose of demilitarization, based on the 1977 and 1979 high-level agreements between the Cypriot communities and on United Nations resolutions, is to create in Cyprus an equal level of security for all inhabitants of the island and an atmosphere of genuine mutual trust and cooperation between the two communities within the framework of a Federal Cypriot State.

The demilitarization will be effected by means of an agreed system of international guarantees under the auspices of the Security Council.

Basic principles

(a) The Federal Republic will have no federal armed forces except for a coastguard corps (service). The purposes, composition, strength, armament and deployment areas of the corps (service) shall be determined by a federal law.

(b) The Federal Republic shall not have any reserve forces. There shall be no military or paramilitary training of civilians.

(c) The Federal Republic and each component of the Federation shall have a police force.

(d) The security of the Federal Republic and of the components of the Federation shall be guaranteed.

Implementation measures

1. The achievement, under United Nations auspices and with the participation of the two Cypriot communities, as well as of Greece and Turkey, of agreement on the specific parameters and phases of demilitarization which would include, in particular:

A timetable for the withdrawal, prior to the establishment of the Federal Republic, of all non-Cypriot armed forces whose presence is not provided for by existing agreements;

A timetable for reductions in the strength of Greek Cypriot and Turkish Cypriot units until they are completely disbanded, with their weapons and military equipment being handed over to the United Nations forces for safekeeping;

Halting of the implementation of military construction programmes in both communities and handing over of existing military installations and facilities for use by the civilian authorities;

Cessation of arms purchases.

2. Establishment of an observation and verification committee (commission) with the participation of both Cypriot communities, the guarantor States, the United Nations and the Organization for Security and Cooperation in Europe.

3. The assumption by Turkey and Greece of a commitment to cease completely their military activity in and around Cyprus, to be monitored by the United Nations.

4. Maintenance in force of the 1960 Treaty of Guarantee and Treaty concerning the Establishment of the Republic of Cyprus, with possible agreed additions and amendments relating to the demilitarization of the Republic of Cyprus.

5. Review by the Security Council of the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP) in order to reflect the new situation.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/347
27 April 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 27 APRIL 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the text of a letter dated 24 April 1998 from Mr. Tariq Aziz, Deputy Prime Minister of Iraq, containing the observations of Iraq concerning the report by the Deputy Executive Chairman of the United Nations Special Commission (UNSCOM) which forms appendix III to the report of the Special Group on visits to presidential sites (S/1998/326).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

98-11440 (E) 270498 270498

/...

Annex

Letter dated 24 April 1998 from the Deputy Prime Minister of Iraq addressed to the Secretary-General

We have read the report of 15 April 1998 on the work of the Special Group on visits to presidential sites which was submitted to you by the President of the Security Council in accordance with paragraph 4 (c) of the Memorandum of Understanding concluded between the United Nations and Iraq on 23 February 1998.

On this occasion, I should like to recall that the Memorandum of Understanding was concluded in response to the desire of world public opinion for a political solution to a fabricated crisis relating to access to presidential sites which, according to allegations by the United States of America, the United Kingdom and the United Nations Special Commission (UNSCOM), contained production and storage facilities for chemical and biological weapons as well as equipment and components pertaining thereto. Paragraph 4 of the Memorandum of Understanding provides for special procedures for the verification of such allegations; under this arrangement, a Special Group of experts and diplomats established for this purpose and headed by a representative of the Secretary-General was to conduct an initial and subsequent entries into the presidential sites in accordance with the special procedures. Paragraph 3 of the Memorandum endeavours to strike a balance between the requirements of UNSCOM and the International Atomic Energy Agency (IAEA) in carrying out their work on the one hand and Iraq's legitimate concerns with regard to its security, sovereignty and dignity on the other, thus imposing reciprocal obligations on the two parties. These principles, in our view, ought to have been fully reflected in the report submitted by you. In this connection, I should like to express our views on the portion of the report prepared by Mr. Charles Duelfer, Deputy Executive Chairman of UNSCOM.

1. The main conclusion that can be drawn from the report by Mr. Duelfer, contained in appendix III of the Special Group's report and entitled "Initial entry to the presidential sites: summary report of the Head of the Team", is that there is no acknowledgement of the special nature of the presidential sites or of the special procedures provided for in the Memorandum of Understanding for initial and subsequent entry to the sites. This omission is clearly reflected in all paragraphs of the report, which are not in conformity with the provisions of the Memorandum of Understanding or the procedures established for its implementation.

In paragraph 1 of his report, the Deputy Executive Chairman describes the mission of the Special Group as though it were a normal task of the Special Commission, referring to it as mission UNSCOM-243. In many paragraphs of the report the work is described as "normal inspection", and no mention is made of the rules or procedures established for the work of the Special Group. This raises an important substantive issue. Instead of abiding by the concept of "initial and subsequent entries", as provided for in paragraph 4 of the Memorandum of Understanding, the report describes the mission as being "limited" and having threefold utility: firstly, to acquire a database that would allow UNSCOM and IAEA to conduct "more focused subsequent inspections, which would

support both ongoing monitoring tasks as well as searching for prohibited materials and related documents"; secondly, to allow inspectors to gain a much better understanding of the nature of the facilities in those areas, thereby helping to dispel many uncertainties and concerns; and, lastly, to set a precedent of access to the sites and the use of normal UNSCOM/IAEA inspection techniques (S/1998/326, appendix III, para. 10). This view of the situation completely contradicts the letter and the spirit of the Memorandum of Understanding and the immediate political context that led to its adoption. It is unacceptable to Iraq.

2. The report contains no conclusions at all regarding the allegations made concerning the presidential sites, in contrast to the report by IAEA submitted to the Security Council on 9 April 1998, which stated that the tasks carried out at the eight presidential sites revealed no immediate indications of the presence of prohibited materials or equipment, or of the conduct of prohibited activities with respect to the mandate of IAEA under the relevant Security Council resolutions. IAEA also noted that its experts worked as members of the Special Group, and not on their own. Together with members of UNSCOM, they took samples of soil, water, air and plants from the presidential sites with a view to analysing them and disseminating their findings. The results of these tests were to be transmitted directly to the Security Council so that the Council and the international community can learn the facts and thereby determine the extent of the lies that have been spread with regard to these sites with the participation of UNSCOM.

The fact that the results of these tests and the first-hand observations of the experts and diplomats were not disseminated is a ploy designed to divert attention away from the basic issue which underlies the fabrication of the crisis and to suppress the incontrovertible facts that became apparent during the visits to the presidential sites confirmed that there was absolutely nothing at the sites that had anything to do with the mandate of UNSCOM or Security Council resolutions. This ploy also represents an effort to cover up the lies told by UNSCOM itself and by certain well-known States with a view to keeping the matter ambiguous and unresolved.

3. Another key point of the report which gives cause for concern is the fact that the Deputy Executive Chairman of UNSCOM views the right of access to the presidential sites not as a right to be exercised within the context of the initial and subsequent entries to the sites, having due regard for their special nature, as stipulated in paragraphs 3 and 4 (b) of the Memorandum of Understanding, but as an absolute right to be exercised without any regard for these considerations. This is in complete contradiction to the provisions of the Memorandum of Understanding, the concern for balance reflected therein and the political context that led to its adoption.

4. The report contains a whole series of accusations and criticisms levelled at the Iraqi side, even though the author notes in paragraph 3 that cooperation was satisfactory:

(a) In paragraph 11, the report states that the mission was not intended to be a search for prohibited materials, and shortly afterwards it goes on to say that no such materials were found. However, paragraph 10 of the report states that UNSCOM inspection techniques were used in the course of the mission. This is a real contradiction.

(b) Among the accusations made in the report is the claim that the presidential sites had been largely evacuated, and that no sites outside Baghdad contained any documents or computers. These allegations fail to take into consideration the fact that seven of the sites were State guest houses, as well as the definition of the buildings on the sites, which is set out in the annex to the Memorandum of Understanding. The only presidential site where State offices are located did contain documents and computers, as noted in paragraph 8 of the report; some of these were verified, although such checks were not fully in keeping with the spirit of the Memorandum of Understanding. If the sites were emptied of their furniture, it was in anticipation that the threat of a military attack on them would be carried out. The evacuation took place during the crisis, as your representative, Mr. De Mistora, and the diplomats and journalists who had visited the sites prior to the conclusion of the Memorandum of Understanding were able to observe. Many official sites and buildings are evacuated this way under such circumstances.

(c) As for the slowing of work which, according to the report, was due to the extraordinarily large numbers of Iraqi escorts present at all times, we would note that these individuals were Iraqi experts who were the counterparts of the Special Group experts, staff from the sites who were required to be present in order to answer questions and facilitate access to all facilities located on the sites, and other officials responsible for security and providing the facilities demanded of Iraq.

(d) As for the time limits imposed on the mission, it will be recalled that the Special Group had fixed the duration of its mission, whereas in all its statements and earlier correspondence Iraq had stressed that during the initial visit, the Special Group should take all the time it needed to complete its work so that it could do a thorough job and thereby learn the truth about the nature of the sites. Although it had itself determined the date of entry, the Special Group managed in its visit to travel to all the sites and visit all facilities and buildings there, including all rooms and guard posts at the State guest houses.

The statements made in the report concerning the duration of the initial visit, which was voluntarily limited, in fact seek to give an incomplete picture of that visit, to gloss over the lies told about the sites and the number of facilities allegedly contained therein, and to prevent the situation from being resolved. This is made quite clear by Mr. Duelfer's report, which reveals the biased objectives of the Special Commission.

5. One of the most serious accusations made by Mr. Duelfer in his report is the claim that Iraq objected to the overflight and aerial photography, from helicopters, of the sites by UNSCOM and IAEA. The position taken by Iraq on this issue derives from legal and practical reasoning that UNSCOM and IAEA have accepted throughout the course of their work in Iraq since 1991. In all this

time UNSCOM helicopters have avoided overflying inhabited areas for fear of disturbing the population and because it was impossible to ensure their protection over such areas. Furthermore, the rules and methods for the inspection of sensitive sites agreed by Iraq and UNSCOM have meant in practical terms that helicopter flights over such areas are to be used only for observation with the naked eye and that no series of photographs of the sites are permitted except for photographs used to document suspected violations of a site's security. It was therefore impossible to accede to the Special Commission's request to allow helicopters to carry out comprehensive photography of all presidential sites, since those sites are even more sensitive for the country's security and sovereignty. Furthermore, the Special Commission already possess detailed aerial photographs of the presidential sites taken from U-2 aircraft, and the Special Group had full access to them during its visit. This shows that there is no need whatsoever for comprehensive photography by helicopter - if the Special Commission is in fact pursuing its stated objectives.

We have already conveyed all these concerns to you during our telephone conversations and through Mr. Danapala and your Representative, Mr. Prakash Shah. Yet the Special Commission insists on its position.

6. We should also like to draw your attention to certain new sources of concern which call for action on your part. It would in fact be helpful if you could intervene to forestall such problems and hold those responsible accountable. A number of experts from the Special Commission have drawn detailed plans of the interiors of many buildings as well as of the doors and windows of other buildings. Such activity can hardly be considered to constitute part of the work of the Special Commission and gives rise to serious security concerns. Moreover, it is difficult to believe that the use of global positioning system instruments for the accurate identification of buildings constitutes part of the conditions for determining the presence of prohibited material or activity rather than a means of gathering confidential information by hostile parties which is detrimental to the security of Iraq. Such activity, which is totally unrelated to the work of the Special Commission, arouses in us the same suspicions as those mentioned above. What is more, some of the Special Commission's experts asked questions, in a manner not unlike an interrogation, having to do with the identity of individuals and officials working in certain facilities, the means of communication used, and so forth. Such questions are for us a source of genuine concern and fear.

7. While Iraq has shown in practice that it has fully honoured its obligations under the Memorandum of Understanding, it is obvious that the Special Commission has, for its part, failed to live up to any of its commitments. The Memorandum of Understanding implies the application, by means of visits to the presidential sites, of special arrangements and procedures in order to expose the real nature of the allegations made regarding these sites as a whole and to bring to light the actual facts of the situation. And there is no doubt that the explanations and the selective presentation of facts given in the report of the Deputy Executive Chairman of UNSCOM which are aimed at steering the whole process away from its agreed course are entirely unacceptable. In bringing these key points to your attention it is our hope that you, in your capacity as a signatory to

the Memorandum of Understanding concluded with Iraq, will take the appropriate position to ensure that Iraq's legitimate concerns are taken duly into account and that all parties to the Memorandum of Understanding honour the obligations they have assumed under that instrument.

(Signed) Tariq AZIZ
Deputy Prime Minister

UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/52/877
S/1998/348
28 April 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-second session
Agenda item 61
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-third year

Letter dated 27 April 1998 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, and further to my letter dated 21 April 1998 (A/52/875-S/1998/340), I have the honour to draw your attention to the following new violations of the airspace of the Republic of Cyprus and of the flight information region of Nicosia by military aircraft of the Turkish Air Force, which were recorded on 24 April 1998.

On that day, two C-160 and one C-130 aircraft entered the Nicosia flight information region between 0728 and 0847 hours, violating the national airspace of the Republic of Cyprus, flying over the Cape of Apostle Andreas and exiting between 0816 and 0936 hours.

On the same day, between 0912 and 1133 hours, eight F-16 and four F-4 aircraft violated the national airspace of the Republic of Cyprus, entering the Nicosia flight information region, flying over the Cape of Apostle Andreas, then exiting between 0939 and 1200 hours.

During the above violations a Turkish military helicopter was flying over the Cape from 0851 until 1200 hours.

Also on the same day, two RF-4 planes entered the Nicosia flight information region at 1145 hours in violation of international civil aviation regulations, flying along the ceasefire line and exiting at 1236 hours.

On behalf of the Government of the Republic of Cyprus, I wish to protest strongly against these new violations of the sovereignty and territorial integrity of the Republic of Cyprus, which are in complete disregard of the

Charter of the United Nations, the relevant decisions of the Organization on the question of Cyprus and international civil aviation regulations.

I should be grateful if you would have the text of the present letter circulated as a document of the fifty-second session of the General Assembly, under agenda item 61, and of the Security Council.

(Signed) Sotirios ZACKHEOS
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/349
29 April 1998

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Expressing its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Having considered the report of the Secretary-General of 17 April 1998 (S/1998/333),

Welcoming the recent steps by the Government of Unity and National Reconciliation (GURN) and the União para a Independência Total de Angola (UNITA) toward completing the remaining tasks of the Lusaka Protocol (S/1994/1441, annex), including promulgation of the law granting special status to the leader of UNITA, the appointment of the remaining governors and vice-governors nominated by UNITA, agreement on a list of ambassadors nominated by UNITA, cessation of broadcasts by Radio Vorgan, and the arrival in Luanda of senior officials of UNITA to prepare for the establishment of UNITA headquarters in the capital,

1. Calls upon the GURN and in particular UNITA to complete all remaining obligations under the "Acordos de Paz" (S/22609, annex), the Lusaka Protocol and relevant Security Council resolutions, including the normalization of State administration throughout the national territory as well as disarmament of the civilian population;

2. Strongly reiterates its demand that UNITA stop its pattern of delays and linkages and cooperate immediately and without conditions in completing the normalization of State administration throughout the national territory, including in particular in Andulo and Bailundo;

3. Takes note of steps taken by UNITA regarding some of the obligations set out in paragraphs 2 and 3 of resolution 1127 (1997) of 28 August 1997, and

reaffirms its readiness to review the measures specified in paragraph 4 of resolution 1127 (1997) or to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127 (1997);

4. Strongly condemns the attacks by members of UNITA on the personnel of the United Nations Observer Mission in Angola (MONUA), international personnel and Angolan national authorities, including the police, demands that UNITA immediately stop such attacks, and urges MONUA to investigate promptly the recent attack in N'gove;

5. Calls upon the GURN and in particular UNITA to guarantee unconditionally the safety, security and freedom of movement of all United Nations and international personnel;

6. Also calls upon the GURN to refrain from any action, including the excessive use of force, which might undermine the process of normalization of State administration or lead to renewed hostilities, and encourages the GURN to continue to give priority to peaceful actions that contribute to the successful conclusion of the peace process;

7. Reiterates its belief that a meeting in Angola between the President of the Republic of Angola and the leader of UNITA could facilitate the successful conclusion of the peace process and accelerate the process of national reconciliation;

8. Decides to extend the mandate of MONUA until 30 June 1998;

9. Reaffirms paragraph 6 of resolution 1157 (1998) of 20 March 1998, and endorses the recommendation of the Secretary-General to complete the withdrawal of all military personnel, with the exception of one infantry company, the helicopter unit, the signals and medical support units and 90 military observers, no later than 1 July 1998, and in accordance with paragraph 38 of his report of 17 April 1998;

10. Endorses the recommendation of the Secretary-General in his above-mentioned report to deploy 83 additional civilian police observers, as authorized by resolution 1157 (1998), following consultations with the GURN;

11. Takes note with appreciation of the recommendations of the Secretary-General contained in section IX of his report of 17 April 1998 regarding the beginning of the drawdown of the military observers and civilian personnel of MONUA and the termination of MONUA, and expresses its intention to take a final decision by 30 June 1998 on the mandate, size and organizational structure of MONUA or a follow-on United Nations presence after that date, based on progress in the peace process and in light of the report referred to in paragraph 12 below;

12. Requests the Secretary-General to submit a report by 17 June 1998 on the status of the peace process, with further recommendations regarding the mandate, size and organizational structure of MONUA or a follow-on United Nations presence after 30 June 1998 and revised estimates of the cost of that United Nations presence;

13. Expresses its appreciation to the Chairman of the Committee created pursuant to resolution 864 (1993) who visited Angola and other interested countries and reinforced the need for full and effective implementation of the measures specified in paragraph 4 of resolution 1127 (1997) in order to achieve compliance by UNITA with its obligations under the Lusaka Protocol and relevant Security Council resolutions;

14. Calls upon all Member States to implement fully and without delay the measures specified in paragraph 4 of resolution 1127 (1997), reiterates its request that Member States having information on flights and other actions prohibited in paragraph 4 of resolution 1127 (1997) provide this information to the Committee created pursuant to resolution 864 (1993), and requests the Secretary-General to report on these violations by UNITA and certain Member States in the report referred to in paragraph 12 above;

15. Expresses its appreciation to the Secretary-General, his Special Representative and the personnel of MONUA for assisting the Government of Angola and UNITA to implement the peace process;

16. Decides to remain actively seized of the matter.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1998/350
29 April 1998

ORIGINAL: ENGLISH

NOTE VERBALE DATED 3 APRIL 1998 FROM THE PERMANENT REPRESENTATIVE OF THE PHILIPPINES TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Republic of the Philippines to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to Security Council resolution 1132 (1997) of 8 October 1997 and the Secretary-General's note verbale dated 16 October 1997, has the honour to inform him that the Government of the Philippines has taken the necessary steps to implement the relevant provisions of the aforesaid resolution.

98-11714 (E) 290498

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1998/351
29 April 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 28 APRIL 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that 2,826 mines, bombs, missiles and other ordnance left behind by the 30-Power aggression against Iraq were found and disposed of in various parts of Iraq between 1 February and 31 March 1998. The items included cluster bombs, spherical bombs, air-launched bombs and anti-personnel mines. They were found in the following governorates: Ninawa, Basrah, Anbar, Baghdad, Muthanna, Wasit, Najaf, Maysan, Babil, Ta'mim and Diyala.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

98-11720 (E) 290498 290498

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/52/878
S/1998/352
29 April 1998
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-second session
Agenda item 37
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-third year

Letter dated 22 April 1998 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a copy of the letter addressed to you by Mr. Fares Boueiz, Minister for Foreign Affairs of Lebanon, concerning the position of the Lebanese Government on Israeli proposals regarding implementation of Security Council resolution 425 (1978).

I should be grateful if you would have this letter circulated as a document of the fifty-second session of the General Assembly, under agenda item 37, and of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(Signed) Samir MOUBARAK
Ambassador
Permanent Representative

98-11708 (E) 290498 290498

/...

ANNEX

Letter dated 21 April 1998 from the Minister for Foreign Affairs of Lebanon addressed to the Secretary-General

I should like to express my thanks and sincere appreciation for the concern you demonstrated during your recent visit to Lebanon. I should also like to take this opportunity to inform you of the position taken by the Government of Lebanon with respect to the recent Israeli proposals regarding Security Council resolution 425 (1978), and the background to those proposals, and their political, legal and propaganda aims.

As I am sure you are aware, the Permanent Representative of Israel to the United Nations addressed a letter to the President of the Security Council dated 6 April 1998 (S/1998/301), informing him of decisions adopted on this issue by the Ministerial Committee for National Security of the Government of Israel, and requesting circulation of the letter and its annex as a document of the Security Council.

This document, apart from the media statements issued by the Israeli Prime Minister and Minister of Defence, represents the first official position declared by Israel. However, it was issued not by the Government, but by the Committee for National Security, part of the Government. The Israeli Government itself has not yet issued any clear statement as to its position.

First: the Lebanese Government is convinced of the need to implement the spirit and letter of Security Council resolution 425 (1978), as confirmed by resolution 426 (1978), the executive instrument for the first resolution.

Resolution 425 (1978) is quite clear and unambiguous. The Security Council calls upon Israel immediately to withdraw its forces from all Lebanese territory. No stages are provided for such a withdrawal to the internationally recognized boundaries.

The Security Council attached no security or political conditions to the implementation of this resolution. It provided for no negotiations and allowed Israel no gains or security guarantees at the expense of Lebanese sovereignty. The Government of Lebanon therefore calls upon the Security Council, which adopted the resolution, and Israel, the occupying Power, to implement this resolution as it stands, without attaching any conditions thereto that would change its nature or goals.

Second: the aforementioned letter and the statements made to the media, despite Israeli Government claims to the contrary, do attach a number of conditions to implementation which, if complied with, would fundamentally alter resolutions 425 (1978) and 426 (1978). Such amendments would alter not only the legal and political structure of resolution 425 (1978), but its entire purpose.

The Israeli Government's call for negotiations with the Lebanese Government with a view to putting in place security arrangements and guarantees is merely intended to drag Lebanon into negotiations that will be used to establish the

impossibility of implementing the above-mentioned resolution, and to invalidate its clear and unequivocal binding nature. The intention is also to link the resolution to numerous prerequisites, contrary to the meaning of the resolution. Israel's intention is to remove all the content from the resolution, just as it has done with the Oslo Accords on the Palestinian track, and just as it has reneged on guarantees on the Syrian track.

For Lebanon to accept the principle of negotiating with regard to any resolution adopted by the Security Council, the highest international authority, would bring into question the legitimacy of such resolutions and would certainly be viewed by Israel as an indication that Lebanon was giving way on the content of the resolution. This would justify its abrogation.

The Israeli Government's purpose in making these proposals is not to implement this resolution, but rather to use it as a basis for negotiations with Lebanon on the 17 May 1983 agreement. The proposals make Israel's intentions clear: there are numerous conditions relating to the role of the Israeli militia, restricting the role of the Lebanese army and generally violating Lebanese sovereignty over its own territory.

Israel's second goal, after exacting the principle of negotiation, is to exact the principle of security arrangements and guarantees, however obscure, in order to give Israel the right to impose its own interpretation thereof. Failure to reach agreement on these will lead to implementation of resolution 425 (1978) being frozen. Not only would these measures be used to claim that Lebanon had abandoned sovereignty over its own territory, but if Lebanon accepted them, other Arab parties would subsequently have to accept imposition of the same concepts.

Third: these proposals must be placed in the current political context by noting how the Israeli Prime Minister has dealt with the peace process. After announcing his intention to change the equation of land for peace and to reinterpret Security Council resolutions 242 (1967) and 338 (1973), the Israeli Prime Minister used a two-pronged approach in order to negate the substance of the political issues while using the media to improve his own political image and conceal his intransigence and his determination that the peace process should fail.

Through its commitment to international resolutions, Lebanon insists not only on preserving its own higher interests, as is its right and duty, but on its respect for the credibility of international legitimacy. It also affirms the principle that a Member State of the United Nations such as Israel should not tinker with those resolutions to suit its own domestic or international situation. The Government of Israel is attempting to distort resolution 425 (1978), exploiting the international balance of power to that end and with a view to destroying the comprehensive peace process and distracting attention from the lack of progress made on the remaining tracks.

The parties to the other tracks can have no confidence that the Government of Israel, which calls for negotiations where there should be none, for example with respect to resolution 425 (1978), and refuses to negotiate, when it should,

on resolutions 242 (1967) and 338 (1973), will make any proposals that are innocent of political, legal or propaganda considerations.

Fourth: Lebanon entered the peace process on the basis of implementation of resolution 425 (1978) and on the understanding that negotiations would be held to achieve a just, lasting and comprehensive peace on the basis of resolutions 242 (1967) and 338 (1973). It affirms that it is still pledged to this peace process and its principles.

Any negotiations between Lebanon and Israel can only be on subjects relating to resolutions 242 (1967) and 338 (1973), Arab rights, the situation of the city of Al-Quds, the rights of the Palestinian refugees and a future framework for peaceful relations. Negotiations must be resumed at the point which they had previously reached.

Lebanon is bound by ties of solidarity to the whole Arab world, and in particular to the Syrian Arab Republic, to which it is bound by an agreement on the need for a comprehensive settlement and for rejection of any policy of separation and division such as is practised by Israel.

Security, stability and true peace can be achieved only through the peace process. If this collapses, the region will be drawn into struggles whose consequences are difficult to predict.

I hope that we are in agreement with regard to this issue, since we always depend on your support. We are all concerned to uphold international law, without which international relations cannot be sustained. I stress that if Israel succeeds in its attempts to put pressure on the Security Council with a view to amending resolutions adopted by that body and making them more amenable to Israel's ambitious plans, the pillars of the Security Council, its credibility and continuity, will be destroyed, along with international legitimacy, which will change in accordance with the prevailing balance of power. We therefore depend upon your determination that resolutions should be implemented in letter and spirit as adopted. They must not be distorted or divested of their true content.

(Signed) Fares BOUEIZ
Minister for Foreign Affairs

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1998/353
30 April 1998

ORIGINAL: ENGLISH

Costa Rica, France, Gambia, Kenya, Portugal, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland, and United States of America: draft resolution

The Security Council,

Reaffirming its resolution 955 (1994) of 8 November 1994,

Recalling its decision in that resolution to consider increasing the number of judges and Trial Chambers of the International Tribunal for Rwanda if it becomes necessary,

Remaining convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law will contribute to the process of national reconciliation and to the restoration and maintenance of peace in Rwanda and in the region,

Stressing the need for international cooperation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with a large number of accused awaiting trial,

Having considered the letter of the President of the International Tribunal for Rwanda, transmitted by identical letters from the Secretary-General to the Presidents of the Security Council and the General Assembly dated 15 October 1997 (S/1997/812),

Convinced of the need to increase the number of judges and Trial Chambers, in order to enable the International Tribunal for Rwanda to try without delay the large number of accused awaiting trial,

Noting the progress being made in improving the efficient functioning of the International Tribunal for Rwanda, and convinced of the need for its organs to continue their efforts to further such progress,

Acting under Chapter VII of the Charter of the United Nations,

98-11828 (E) 300498

/...

1. Decides to establish a third Trial Chamber of the International Tribunal for Rwanda, and to this end decides to amend articles 10, 11 and 12 of the Statute of the Tribunal and to replace those articles with the provisions set out in the annex to this resolution;

2. Decides that the elections for the judges of the three Trial Chambers shall be held together, for a term of office to expire on 24 May 2003;

3. Decides that, as an exceptional measure to enable the third Trial Chamber to begin to function at the earliest possible date and without prejudice to Article 12, paragraph 5, of the Statute of the International Tribunal for Rwanda, three newly elected judges, designated by the Secretary-General in consultation with the President of the International Tribunal, shall commence their term of office as soon as possible following the elections;

4. Urges all States to cooperate fully with the International Tribunal for Rwanda and its organs in accordance with resolution 955 (1994), and welcomes the cooperation already extended to the International Tribunal in the fulfilment of its mandate;

5. Urges also the organs of the International Tribunal for Rwanda actively to continue their efforts to increase further the efficiency of the work of the International Tribunal in their respective areas and in this connection further calls upon them to consider how their procedures and methods of work could be enhanced, taking into account relevant recommendations in this regard;

6. Requests the Secretary-General to make practical arrangements for the elections mentioned in paragraph 2 above and for enhancing the effective functioning of the International Tribunal for Rwanda, including the timely provision of personnel and facilities, in particular for the third Trial Chamber and related offices of the Prosecutor, and further requests him to keep the Security Council closely informed of progress in this regard;

7. Decides to remain actively seized of the matter.

ANNEX

STATUTE OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

...

Article 10

Organization of the International Tribunal for Rwanda

The International Tribunal for Rwanda shall consist of the following organs:

(a) The Chambers, comprising three Trial Chambers and an Appeals Chamber;

(b) The Prosecutor;

(c) A Registry.

Article 11

Composition of the Chambers

The Chambers shall be composed of fourteen independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

(a) Three judges shall serve in each of the Trial Chambers;

(b) Five judges shall serve in the Appeals Chamber.

Article 12

Qualification and election of judges

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The members of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal for the Former Yugoslavia") shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

3. The judges of the Trial Chambers of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the Trial Chambers from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within thirty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge on the Appeals Chamber;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received, the Security Council shall establish a list of not less than eighteen and not more than twenty-seven

candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list, the General Assembly shall elect the nine judges of the Trial Chambers. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

4. In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

5. The judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/354
30 April 1998

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

1. Further to the Note by the President of the Security Council dated 27 July 1993 (S/26176) concerning the Council's documentation and related matters, which provides for the distribution of the tentative forecast of the programme of work of the Security Council for each month to all Member States for information, the members of the Council have agreed that the following reminder should be placed in the Journal each month:

> "The monthly tentative forecast has been made available to Member States in accordance with the Note by the President of the Security Council dated 27 July 1993 (S/26176), and 30 April 1998 (S/1998/354). In accordance with the aforementioned decisions, copies of the tentative forecast have been placed in the delegations' boxes and may be collected at the delegations' 'pick-up area'."

2. The members of the Council have recommended that the President make available to all Member States the calendar setting out the provisional schedule of work, after the completion of the consultations of the whole on the programme of work, in an appropriate form and under his responsibility. The following footnote should be included in the calendar:

> "The schedule is provisional; the actual schedule will be determined by developments. The description of agenda items contained in the provisional schedule may differ from the official formulation."

3. The members of the Council will continue their consideration of other suggestions concerning the Council's documentation and related matters.

98-11859 (E) 300498

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/355
30 April 1998

ORIGINAL: ENGLISH

LETTER DATED 29 APRIL 1998 FROM THE PERMANENT REPRESENTATIVE OF ITALY TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to draw to your attention the text of a statement on Kosovo agreed by the members of the Contact Group at their meeting in Rome on 29 April 1998 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) F. Paolo FULCI

98-11803 (E) 300498

/...

Annex

Statement on Kosovo adopted by the members of the Contact Group in Rome on 29 April 1998

1. The Contact Group met in Rome on 29 April 1998 to decide on the next steps regarding the increasingly dangerous situation in Kosovo, taking into account the report of the Organization for Security and Cooperation in Europe (OSCE) Troika on developments since the Contact Group's ministerial meeting in Bonn on 25 March 1998 (see S/1998/272). They considered the report an important and balanced contribution to the assessment of the situation. The Contact Group believes that the current situation is untenable. The risk of an escalating conflict requires immediate action.

2. All members of the Contact Group are firmly opposed to independence for Kosovo and to a continuation of the unacceptable status quo. Immediate steps by the parties to reduce tension and to begin an unconditional dialogue are indispensable and the only way to reverse the deterioration in the situation and bring about a political solution.

3. The Contact Group condemns the increase in violence in recent days in Kosovo, in particular, the excessive use of force by the Yugoslav Army, and the proliferation of arms in the territory. The Contact Group absolutely rejects terrorism as a means of bringing about political change, as well as all other violence to suppress political dissent. The Contact Group calls upon political leaders in the Federal Republic of Yugoslavia and in the countries of the region to exercise maximum restraint, full respect for human rights, to prevent the introduction of arms and of armed groups from outside, and to condemn terrorism. It also calls upon the countries of the region to confirm the respect for territorial integrity and for the inviolability of internationally recognized borders.

4. The Contact Group is not seeking to impose any particular outcome for the resolution of the differences between Belgrade and the leadership of the Kosovar Albanian community. It is for the parties themselves to determine a solution to the political status of Kosovo through negotiations. The Contact Group notes that representatives of Belgrade and Pristina have recently stated their general willingness to open an unconditional dialogue. But the two sides have yet to agree with full authority on modalities for talks, particularly on the issue of international participation.

5. The Contact Group regards appropriate international involvement as an essential factor to establish confidence between the parties and to facilitate talks.

6. In order to begin the urgent process of dialogue, the Contact Group recommends and urges both Belgrade and the leadership of the Kosovar Albanian community to adopt a framework for dialogue and a stabilization package:

(a) The framework should be based on fundamental principles that the parties must accept, such as rejection of violence for achieving political

goals, no preconditions, mutual respect, accordance with standards and principles of OSCE and of the Charter of the United Nations, mutually agreed modalities, and protection of all individuals and ethnic groups. There should be mutual assurances, which the Contact Group itself will support, that the parties will not abandon nor seek to undermine an agreement once it is reached. The framework for dialogue must be formally endorsed by the top leadership in Belgrade and the leadership of the Kosovar Albanians. The respective leaders must take political responsibility for initiating talks in good faith. The framework must provide for international involvement in facilitating substantive negotiations.

(b) The stabilization package must include, as the minimum:

(i) Cessation of repression by the authorities in Belgrade, as specified in United Nations Security Council resolution 1160 (1998), and a strong condemnation of terrorism by the leadership of the Kosovar Albanian community.

(ii) Reopening of the OSCE missions in the Federal Republic of Yugoslavia, including in Kosovo.

(iii) Concrete inter-communal confidence-building measures, including implementation of the education agreement according to the agreed timetable. The Contact Group appreciates and encourages the work of Sant'Egidio Community in this field.

7. The Contact Group attaches the highest priority to the immediate launching of the González mission, which is essential for substantial progress in the relationship between the Federal Republic of Yugoslavia and the international community. This mission is also meant to reduce tension, restore confidence and improve general prospects for dialogue. The top leadership in Belgrade should therefore immediately invite the González mission to start its work. The Contact Group fully supports the OSCE Chairman-in-Office in his efforts to facilitate this mission.

8. If the leadership in Belgrade agrees to the framework for dialogue, the stabilization measures listed in paragraph 6 are implemented, the González mission is launched and substantive talks begin, the Contact Group will promote a clear and achievable path towards Belgrade's full integration into the international community, including participation in OSCE. We want the Federal Republic of Yugoslavia to reap the benefits of membership in international financial and political institutions.

9. Crucial requirements set out in the Contact Group's statements of 9 and 25 March 1998 (S/1998/223, annex and S/1998/272, annex, respectively) have not yet been met. We have therefore decided to take action to put into effect a freeze on the funds held abroad by the Federal Republic of Yugoslavia and Serbian Governments. If Belgrade takes the steps in paragraph 6 to bring about negotiations, we will immediately reverse this decision. We have also decided that, if dialogue is blocked because of Belgrade's non-compliance, we will, by 9 May, take action to stop new investment in Serbia. The Russian Federation does not associate itself with these measures.

10. If unresolved, the situation in Kosovo threatens to spill over into other parts of the region. The Contact Group attaches high priority to supporting the security interests of the neighbouring States and to ensuring security of borders. It is of particular importance that developments in Kosovo should not disrupt progress in implementing the Dayton/Paris peace agreement in Bosnia, to which the Government in Belgrade is committed. The Contact Group will contribute to the strict implementation of resolution 1160 (1998), working also with the United Nations and other relevant international forums.

11. The next meeting of the Contact Group will take place in Paris in May.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/356
30 April 1998

ORIGINAL: ENGLISH

LETTER DATED 31 MARCH 1998 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my letter addressed to the President of the Security Council dated 3 July 1991 (S/22771), concerning the composition of the military component of the United Nations Mission for the Referendum in Western Sahara (MINURSO), as well as to resolution 1148 (1998) of 26 January 1998, by which the Council approved the deployment of the engineering unit required for the demining activities of the Mission.

Following the usual consultations, I wish to inform you of my intention to add Sweden to the list of countries contributing military personnel to MINURSO.

I should be grateful if you would bring the above to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

98-11841 (E) 300498

UNITED NATIONS

S

Security Council

Distr.
GENERAL

S/1998/357
30 April 1998

ORIGINAL: ENGLISH

LETTER DATED 30 APRIL 1998 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 31 March 1998 (S/1998/356) concerning your intention to add Sweden to the list of countries contributing military personnel to the United Nations Mission for the Referendum in Western Sahara (MINURSO) has been brought to the attention of the members of the Security Council. They agree with the intention contained in your letter.

(Signed) Hisashi OWADA
President of the Security Council

98-11847 (E) 300498

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1998/358
30 April 1998

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE DEPUTY REPRESENTATIVE OF KENYA ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 28 April 1998 from the Permanent Representative of Kenya to the United Nations stating that Ms. Rose A. Odera has been appointed deputy representative of Kenya on the Security Council.

In the opinion of the Secretary-General, this communication constitutes adequate provisional credentials.

98-11895 (E) 300498

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/359
30 April 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 29 APRIL 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you of the following:

At 1100 hours on 9 April 1998, the Iraqi barge No. 1, having delivered fresh water to Mina al-Bakr, was returning to the port of Umm Qasr when it was subjected to an inspection by an armed American vessel carrying 25 officers of the United States Coast Guard. The barge was ordered to halt under threat of armed force and the officers boarded the vessel. The crew were all herded together towards the bow of the vessel and all of its navigation records and logs were minutely examined. The officers inspected the barge's equipment and broke open the locks to the food and water stores. The inspection continued until 1415 hours on the same day, when the officers left the barge and gave it permission to resume its journey to the port of Umm Qasr.

I request that you intervene with the Government of the United States of America with a view to bringing a halt to these actions, which have become much more frequent of late and which, as flagrant violations of the Charter of the United Nations and the provisions of international law, pose a threat to the sovereignty and security of the Republic of Iraq.

The Republic of Iraq affirms its right to seek legal compensation for the damage inflicted on the Iraqi State and its citizens by these deplorable actions.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative

98-11931 (E) 010598 010598

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/52/880
S/1998/360
30 April 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-second session
Agenda item 61
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-third year

Letter dated 30 April 1998 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, and further to my letter dated 27 April 1998 (A/52/877-S/1998/348), I have the honour to draw you attention to new violations of the national airspace of the Republic of Cyprus and of the flight information region of Nicosia by military aircraft of the Turkish Air Force, which were recorded on 28 and 29 April 1998.

On those two days, eight Turkish military planes entered the Nicosia flight information region in violation of international air traffic regulations: two F-16 on 28 April 1998 between 1939 and 2000 hours, and on 29 April 1998, two F-16 between 0900 and 0932 hours, two RF-4 between 1153 and 1220 hours and two F-16 between 1451 and 1517 hours. Four of those aircraft violated the national airspace of the Republic of Cyprus flying above and along the area of Morphou, Kyrenia and the Cape of Apostle Andreas.

As stated in my previous letters, such unauthorized intrusions into the Nicosia flight information region and the national airspace of the Republic of Cyprus are in complete disregard of the Charter of the United Nations, as well as the provisions of the Security Council resolutions on Cyprus, which state that such overflights increase political tension on the island and undermine efforts towards achieving a final settlement and violate international air traffic rules. It should be noted that the recently intensified provocative Turkish violations come at a time of renewed efforts aimed at breaking the impasse in the intercommunal talks, and create doubts about Turkish political will for the success of those efforts.

On behalf of the Government of the Republic of Cyprus, I wish to protest strongly against these new violations of the sovereignty and territorial integrity of the Republic of Cyprus.

I should be grateful if you would have the text of the present letter circulated as a document of the fifty-second session of the General Assembly, under agenda item 61, and of the Security Council.

(Signed) Sotiros ZACKHEOS
Ambassador, Permanent Representative